

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A multi-function processing apparatus, comprising:

~~an original detection unit that detects a set original;~~

a read unit that reads an image on ~~the~~an original;

an original detection unit that detects an original being set to the read unit;

an image formation unit that forms an image on a recording medium in toner;

a fixing unit that heats the toner image formed on the recording medium;

a transmission unit that transmits data read through the read unit to an external system;

~~a copy~~an instruction receiving unit that receives a copy instruction gives a copy operation instruction for causing the read unit to read the image of the set original and causing the image formation unit to form the image on the recording medium;, and receives a transmission instruction for causing the read unit to read the image of the set original and causing the transmission unit to transmit data read through the read unit to an external system;

a fixing control unit that ~~performs~~controls the fixing unit to perform a first control processing for starting to raise a temperature of the fixing unit in response to the original detection unit detecting ~~based on detection of the original by the original detection unit,~~ and to perform ~~that performs~~ a second control processing for starting to raise the temperature of the fixing unit in response to the instruction unit receiving the copy instruction ~~based on the copy operation instruction given by the copy instruction unit;~~

a mode setting unit that sets an operation mode of the fixing control unit to either one of a first operation mode in which the fixing control unit performs the first control

processing or a second operation mode in which the fixing control unit performs the second control processing; and

~~a transmission unit that transmits data read through the read unit to an external system; and~~

a ~~second~~ processing storage unit that stores a history of transmission processing of the read data or copy processing of the read data,

wherein the mode setting unit determines one of the transmission processing and the copy processing which has been performed more frequently based on the history of the past processing, and sets the operation mode of the fixing control unit to one of the first control processing and the second control processing according to the determination, and

wherein the fixing control unit performs either one of the first control processing or the second control processing based on the set operation mode when the original detection detects the set original; and

wherein in the second operation mode, in response to the instruction unit receiving the transmission instruction, the read unit reads the image of the set original and the transmission unit transmits data read through the read unit to an external system without the fixing controlling unit raising the temperature of the fixing unit.

2. (Canceled)

3. (Currently Amended) The multi-function processing apparatus as claimed in claim 1, further comprising:

~~a transmission unit that transmits data read through the read unit to an external system; and~~

a connection state detection unit that detects whether or not the transmission unit is connected to an external unit;

wherein, when the connection state detection unit detects the transmission unit being unconnected to an external unit, the mode setting unit sets the operation mode of the fixing control unit to the first control processing.

4. (Original) The multi-function processing apparatus as claimed in claim 3, wherein the transmission unit includes a facsimile unit that transmits the image data read through the read unit as facsimile data; and the connection state detection unit detects whether the facsimile unit is connected to a public line network.

5. (Previously Presented) The multi-function processing apparatus as claimed in claim 1, wherein the mode setting unit has a manual setting mode of manual operation and an automatic setting mode and sets the operation mode of the fixing control unit according to one of the manual setting mode and the automatic setting mode.

6. (Previously Presented) The multi-function processing apparatus as claimed in claim 5, further comprising:

a first processing storage unit that stores control processing executed by the fixing control unit;

wherein, when the mode setting unit is set to the automatic setting mode, the mode setting unit sets the operation mode of the fixing control unit based on the past control processing stored in the first processing storage unit.

7. (Canceled)

8. (Previously Presented) The multi-function processing apparatus as claimed in claim 5, further comprising:

wherein, when the control processing setting unit is set to the manual setting mode, the mode setting unit sets the operation mode of the fixing control unit based on operation of a switching unit.

9. (Previously Presented) The multi-function processing apparatus as claimed in claim 1, further comprising:

a control processing instruction unit that is manually operational;

wherein the control processing instruction unit causes the mode setting unit to set the operation mode of the fixing control unit to the first control processing regardless of the setup state of the control processing of the fixing control unit.

10. (Previously Presented) The multi-function processing apparatus according to claim 1, further comprising:

a determination unit which determines which one of the first operation mode and the second operation mode is set by the mode setting unit in response to the original detection unit detecting the set original,

wherein the fixing control unit performs either one of the first control processing or the second control processing based on a result of determination by the determination unit.

11. (New) A multi-function processing apparatus, comprising:

a reading unit that reads an image of an original;

an original detection unit that detects the original being set to the reading unit;

an image formation unit that forms an image on a recording medium in toner;

a fixing unit that heats to fix the toner image formed on the recording medium;

an instruction receiving unit that receives an instruction;

a transmission unit that transmits data to an external device;

a connection state detection unit that detects whether or not the transmission unit is connected to an external unit;

a fixing control unit that controls the fixing unit to operate in either one of:

a first mode in which the fixing control unit controls the fixing unit to raise temperature when the original detection unit detects an original, and

a second mode in which the fixing control unit controls the fixing unit not to raise temperature when the original detection unit detects an original and controls the fixing unit to raise temperature when the instruction receiving unit receives an instruction;

a controller that controls the reading unit, the image formation unit, and the transmitting unit to perform:

a copy operation in which the image formation unit forms the image according to the image read by the reading unit from the original, and

a facsimile operation in which the transmission unit transmits the image read by the reading unit from the original to the external system;

a storage unit that stores an operation history in which the copy operation or the facsimile operation is performed more frequently,

wherein the fixing control unit operates in the first mode;

when the fixing control unit determines that the connection state detection unit detects that the transmission unit is not connected to any external unit, or

when the fixing control unit determines that the connection state detection unit detects that the transmission unit is connected to any external unit and the fixing control unit determines that the copy operation has been performed more frequently according to the history of the past processing stored in the storage unit, and

wherein the fixing control unit operates in the second mode when the fixing control unit determines that the connection state detection detects that the transmission unit is

connected to any external unit and the fixing control unit determines that the facsimile operation has been performed more frequently according to the history of the past processing stored in the storage unit.